

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JOSHUA MURRAY, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

NATIONAL ASSOCIATION OF
REALTORS,

Defendant.

Case No. 2:22-cv-11107-FKB-DRG

HON. F. KAY BEHM
Magistrate Judge David R. Grand

**DECLARATION OF COLLEEN
DOYLE IN SUPPORT OF
DEFENDANT NATIONAL
ASSOCIATION OF REALTORS'
MOTION TO DISMISS
PLAINTIFF'S SECOND
AMENDED COMPLAINT**

I, Colleen Doyle, declare as follows:

1. I submit this declaration based on my personal knowledge. I can testify competently to the facts contain herein if called to testify as a witness.

2. I am the Vice President, REALTORS® Information Network ("RIN") and Strategic Initiatives, for the National Association of Realtors® ("NAR"). I have been employed by NAR since 2007.

3. NAR is the country's largest trade association and currently has over 1.5 million active members, including residential and commercial brokers, salespeople, property managers, appraisers, counselors, and others engaged in the real estate industry. Its members participate in all aspects of the residential and

commercial real estate industries. NAR's primary mission is to uphold and expand everyone's right to own, buy, and sell real property.

4. NAR provides its members with several benefits, including advocating on their behalf for federal policy initiatives that strengthen the consumer's ability to own, buy, and sell real property, offering designations and certifications to expand its members experience and expertise in various real estate sectors, and giving access to exclusive member pricing on products and services with NAR's many business partners.

5. All NAR members receive REALTOR® Magazine by mail as part of their membership unless they affirmatively opt out of receiving it. NAR does not sell REALTOR® Magazine subscriptions to its members.

6. NAR members who opt out of receiving REALTOR® Magazine are not refunded any portion of their membership dues.

7. Since 2012, NAR has made digital versions of the magazine freely available to its members and the general public on NAR's website.

8. Plaintiff Joshua Murray ("Murray") has an active NAR membership, and he was an active NAR member throughout 2016.

9. Specifically, Murray was an active NAR member for the following time periods: 11/30/2007 to 10/27/2009, 8/10/2010 to 4/21/2011, 6/1/2012 to 10/11/2017, and 10/12/2017 to the present.

10. Throughout the year 2016, Murray was an active member of the Livingston County AOR local association of NAR. During that time, Murray paid his membership dues directly to this local association. The local association then disbursed NAR's portion of the dues to NAR.

11. According to NAR's records, Murray did not opt out of receiving REALTOR® Magazine by mail, and he should have received the magazine throughout 2016.

12. In 2016, only eight nonmembers of NAR with Michigan addresses—all businesses—paid \$56 to receive REALTOR® Magazine by mail. Murray was not one of these businesses.

13. NAR members are permitted to publicize their NAR membership by using the term REALTOR® in connection with their names. REALTOR® has one meaning: member of NAR and the member's agreement to adhere to NAR's strict Code of Ethics. The REALTOR® mark also signifies NAR members' commitment to protecting clients, the public, and other real estate professionals, as well as to conducting business with integrity, and providing high standards of real estate services.

14. NAR members can be found by searching realtor.com, a publicly-available website.

15. Only active NAR members are displayed on realtor.com's "Find a REALTOR®" directory. This is one of several benefits of NAR membership.

16. NAR members may claim and edit their realtor.com profiles. They may also make a request to realtor.com to have the profile removed.

17. Murray claimed and edited his realtor.com profile, and the following changes were made: first name changed from "Joshua" to "Josh"; added profile photo, bio, years of experience, areas served (e.g., the zip codes he works in), specializations, mobile phone, website, company logo, MLS ID, chose to enable ratings, and approved displayed recommendations.

18. Based on my review of NAR's membership records, there is only one Joshua Murray who is a NAR member and who resides in South Lyon, Michigan.

19. The photo of Josh Murray on realtor.com depicts the same person as a LinkedIn profile for Josh Murray, which lists a location of South Lyon, Michigan. *See* Josh Murray realtor.com profile (attached hereto as Exhibit A) and Josh Murray LinkedIn profile (attached hereto as Exhibit B).

20. Murray's realtor.com profile prominently displays the REALTOR® mark and Murray's NAR membership.

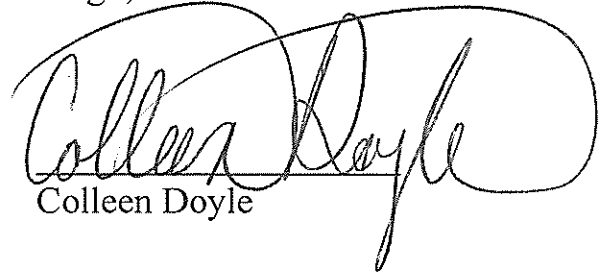
21. All NAR members have the option to opt out of direct marketing mail. Members can do this by visiting the "Member Profile" screen of NAR's website and choosing "No" for "Direct Mail Marketing."

22. Attached hereto as Exhibit C is a true and correct copy of NAR's direct marketing mail opt-out, *available at* nar.realtor/my-account?tab=term-My-Profile.

23. The direct mail marketing opt-out shown in Exhibit C existed throughout the year 2016 and had the same format and content then as it does today.

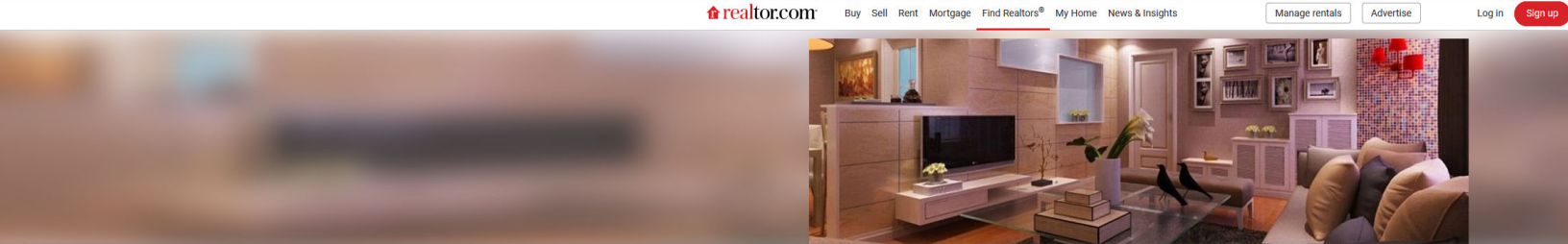
I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of February, 2023, in Chicago, Illinois.



Colleen Doyle

EXHIBIT A



JOSH MURRAY
Linked Realty LLC
★ 5 (6) 4 recommendations

About **JOSH MURRAY**

At Linked Realty, our mission is to bring down the high cost of selling a home. We do that by charging a flat fee of 4k to sell your home. For the flat fee, you get the exact same service that you would from a 6 percent agent including (but not limited to) an in-home consultation, professional photography, lock box, yard sign, all of your showings scheduled with Showing Time, and all of your marketing and advertising. On top of that, your home is listed on the MLS, which markets your home with thousands of websites including Zillow, Trulia and Realtor.com, just like the 6 percent agents.

With most home buyers starting their home search on the internet, online exposure is critical to attracting buyers. But our services don't stop there. Our team stays with you, from listing your home to the closing table. Helping you through inspections, contracts, negotiating offers and closing. A traditional listing agent would typically charge you a 3 percent commission for all those services. We offer the same service for only 4k. Here at Linked Realty, we're changing the way homes are sold!

We also have helped many buyers into their dream homes in and around Metro Detroit. Our local knowledge of neighborhoods and the metro area help us to be the best Realtor we can be for our clients. We look forward to helping you buy or sell your next home. We look forward to being your Real Estate Professionals.

[Read less](#)

Experience
17 years

Price Range (last 24 months)
\$220K - \$620K

Areas Served

Ann Arbor	Bloomfield Hills	Brighton	Canton
Commerce To...	Dexter	Drayton Plains	Farmington
Fenton	Fowlerville	Hamburg	Hartland
Highland	Howell	Keego Harbor	Livonia
Milford	New Hudson	Northville	Novi

[Show more areas served](#)

Specializations

Buyers	Flat Fee Listing
Foreclosures	Market Analysis
Residential Real Estate	Sellers
Short Sales	

18 Listings

6 Ratings and reviews

★ 5 rating 6 reviews

[Rate and write a review](#)

Bob Schultz

Brighton, MI 2022

Verified review



JOSH MURRAY
Linked Realty LLC
★ 5 (6) 4 recommendations

(248) 795-9445 Mobile

[Share profile](#)

Email **JOSH MURRAY**

☐ I'm not a robot

[Send Email](#)

Jim

Livonia, MI 2018

Verified review

★★★★★ 5

Responsiveness	★★★★★
Negotiation skills	★★★★★
Professionalism and communication	★★★★★
Market expertise	★★★★★

We were concerned about the sale of our home, Josh (Linked Realty) and team came thru for us. They were very professional and provided all of the standard tasking as well as the care we needed. 24/7 availability from the team, response to all of our concerns, and a quick sale was Great!

Sourced by **realtor.com**

Jake

fowlerville, MI 2018

Verified review

★★★★★ 5

Responsiveness	★★★★★
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Negotiation skills ★★★★★
 Professionalism and communication ★★★★★
 Market expertise ★★★★★

Josh is very professional and easy to work with. He would get us into houses the day we would ask to see them. We Highly recommend Josh to everyone looking to buy/sell a home. We will use Josh again in the future

Sourced by **realTOR.COM**

Vicky

Howell, MI 2018

Verified review

★★★★★ 5

Responsiveness ★★★★★

Negotiation skills ★★★★★

Professionalism and communication ★★★★★

Market expertise ★★★★★

Josh and everyone at linked realty were great to work with!

https://www.realtor.com/realestateagents/56c3909abb954cd1006bd81a



JOSH MURRAY
 Linked Realty LLC

★ 5 (6) . 4 recommendations

(248) 795-9445 Mobile

Share profile

Write a recommendation

bPERRINE

almost 6 years ago

"My wife and I were very happy with what Josh accomplished for us. We were looking for the right place to call home and Josh and his team delivered. He spent time with us personally and was prepared to spend as much time as necessary. His team also helped with the details of relocation." Highland, MI 48356

Sourced by **realTOR.COM**

Eric Bradley

over 8 years ago

I worked with Josh during his tenure with Robert Half International. Josh was diligent, professional, and very organized in his approach to helping us to identify and recruit talented mortgage professionals. Josh's tenacity and attention to detail will be missed.

Sourced by

private private

over 8 years ago

Josh and I worked together while at Robert Half International supporting different business units. We would partner with each other on a weekly basis to drive our business forward. I think Josh has great business acumen and treats his customers first class. I would highly recommend Josh as a business partner and trust that he would treat your business as his own.

Sourced by

Brian J. Prain

over 8 years ago

Josh Murray is a long-time friend of mine, and is one of the hardest-working, most loyal people that I have had the occasion and the pleasure to work with. Josh is 100% committed to each and every endeavor that he undertakes in life. A natural leader with a rare combination of business savvy and social intuition, I had always predicted that Josh was destined for great success. It has been a true pleasure to watch as my predictions came true!

Sourced by

Are you JOSH MURRAY? [Edit profile](#)

Email JOSH MURRAY

Enter Name

Enter Email

Phone

Message

☐ I'm not a robot



Send Email



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[Do Not Sell My Personal Information](#)

EXHIBIT B



Search



Home



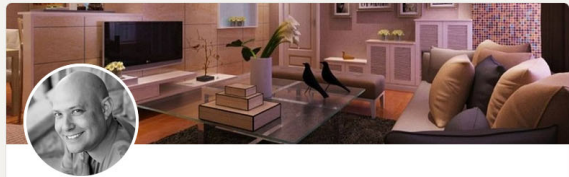
My Network



Jobs



Messaging

**Josh Murray, MA LLP**

Clinical Psychologist at Sollars and Associates- Principal Broker at Linked Realty

South Lyon, Michigan, United States · [Contact info](#)
500+ connections[More](#)

Sollars and Associates - Integrative Counseling and Psychological Services

Michigan School of Psychology

About

After spending most of my professional life as a real estate broker, I decided I needed a new challenge. I knew what ever challenge I undertook had to provide me with the satisfaction of helping others.

I decided to become a Clinical Psychologist in 2020.

After spending my internship working at a foster care and in private practice, I decided to stay in private practice as I can truly connect with my clients in this type of role. I bring a humanistic approach to the therapy room which allows me to create a strong and effective therapeutic alliance.

I currently have a diverse case load of over 30 clients presenting with various psychopathologies.

I am always open to explore new opportunities. I would love to talk!

Also, if you're in the market to buy or sell a home check us out at [LinkedRealty.com](#). Metro Detroit's first full-service, flat-fee real estate brokerage.

Activity

2,522 followers

Josh Murray, MA LLP commented on a post · 1mo

Is this back in the 90s?

1,265

388 comments

Josh Murray, MA LLP commented on a post · 2mo

My wife

1,566

146 comments

[Show all activity →](#)**Experience** **Sollars and Associates - Integrative Counseling and Psychological Services**
Contract · 2 yrs 2 mos

- Clinical Psychologist LLP**
Dec 2022 - Present · 3 mos
Michigan, United States · Hybrid

- Clinical Psychologist TLLP**
Jan 2021 - Dec 2022 · 2 yrs
United States

Principal Broker at Linked RealtyLinked Realty
2016 - Present · 7 yrs 2 mos
Southeast Michigan

No matter what you have been told, paying 10's of thousands of dollars to sell your home is absolutely ludicrous. Paying 6% of your homes value will not get you more money for your home or better m...see more

Associate Broker- Top Michigan Realty Group. Keller WilliamsKeller Williams Realty
Apr 2006 - Oct 2017 · 11 yrs 7 mos
Greater Detroit Area

As a Real Estate Broker who's an expert in Southeastern Michigan, I bring a wealth of knowledge and expertise about buying and selling real estate here. It's not the same everywhere, so you need someone you...see more

Director of Sales and MarketingTop Property Management Group
Nov 2012 - Apr 2016 · 3 yrs 6 mos
Brighton Michigan

Top Property Management Group LLC, is a Michigan based company that offers leasing and property management services for residential and commercial properties in Michigan. Our management team...see more

Account ManagerD.R.S. Staffing Solutions LC
Jun 2011 - Jan 2014 · 2 yrs 8 mos
South Lyon, MI

President of Sales and Market Development. Full Service Staffing Firm offering Temporary Placements, Contract-To-Hire and Direct Hires. We provide talent across most industries including Administrativ...see more

[Show all 8 experiences →](#)**Education** **Michigan School of Psychology**
Clinical Psychology · Psychology
Jan 2019 - Jul 2021 **Eastern Michigan University**
Bachelor of Science, Political Science/ Sociology
2003 - 2008

Activities and societies: Mock Trial, Judo, Undergraduate Symposium

Brighton High School
High School Diploma
Jul 2001**Licenses & certifications** **Licensed Psychologist**
Michigan School of Psychology
Issued Jul 2021 **Michigan Real Estate Brokers License**
United Latino Students Association
Credential ID 6501349052

Skills

Human Resources

- Endorsed by Elisa Bannon-Jones, MHCS who is highly skilled at this
- Endorsed by 2 colleagues at Robert Half
- 46 endorsements

Sales

- Endorsed by 2 colleagues at Robert Half
- Endorsed by 8 people who know the skill
- 56 endorsements

Real Estate Marketing

- 4 endorsements

Show all 39 skills →

Recommendations

Received Given

- 

Mike Koper, CmgfT, CmgfE, CPEM, CoP CMRP
Enes Digital Solutions - Americas at Konica Minolta Sensing Americas, Inc.
June 21, 2012, Mike worked with Josh but they were at different companies
Josh is energetic, detailed-oriented and very prompt in his business. I found him to be helpful and knowledgeable about his profession and real estate markets.
- 

Jason Lukas
Execution is Everything
November 28, 2011, Jason worked with Josh but on different teams
Josh and I worked together while at Robert Half International supporting different business units. We would partner with each other on a weekly basis to drive our business forward. I think Josh has great business acumen and treats his customers first class. I would highly recommend Josh as a business partner and trust that he would treat your business as his own.
- 

Eric Bradley
Senior Vice President and Regional Manager at University Lending Group
November 21, 2011, Eric was Josh's client
I worked with Josh during his tenure with Robert Half International. Josh was diligent, professional, and very organized in his approach to helping us to identify and recruit talented mortgage professionals. Josh's tenacity and attention to detail will be missed.

Show all 4 received →

Organizations

National Association of Realtors

Interests

Top Voices Companies Groups Schools

- 

Bill Gates 
Co-chair, Bill & Melinda Gates Foundation
36,214,219 followers

+ Follow

Causes

Civil Rights and Social Action • Economic Empowerment • Health • Human Rights • Politics • Poverty Alleviation • Social Services

EXHIBIT C

nar.realtor/my-account?tab=term-My-Profile

Personal Information

Professional Details

To change any locked details, please contact your local association. Please allow up to 48 hours for this system to update your information.

RE License

Company Name

Field of Business

Office Phone

Profile

Office Voice Extension

Direct Marketing Mail

Preferred Publication

On Roster

Cell Phone Number

Direct Dial Phone

Close

Save Changes

Home Address

US

Feedback